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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,269	08/13/2001	David B. Flaxer	YOR920010030US1	5306

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WHITHAM, CURTIS & CHRISTOFFERSON, P.C.
11491 SUNSET HILLS ROAD
SUITE 340
RESTON, VA 20190

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,269	Applicant(s) FLAXER ET AL.	
	Examiner Rob Rhode	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant amendment of 5-5-05 amended claims 3 and 4 and canceled claims 1, 2 and 5 traversed rejections of Claims 1 - 10.

Currently, claims 3 – 4 and 6 - 10 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3, 4 and 6 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Henson (US 6,167,383).

Regarding claim 3 and 4, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications comprising the steps of -
providing a bundle definition process, where a solution bundle is created and loaded into the various components that support an e-commerce application, including the front-end and back-end application fulfillment systems (see at least Abstract and Figure 1);

Art Unit: 3625

mapping customizable solution bundles into a virtual entitled group and processing the virtual entitled group, without distinction with other entitled groups, by back-end fulfillment systems and ancillary e-commerce services (see at least Col 2, lines 61 – 65, Col 3, lines 36 – 41 and Figure 8); providing a user interface as a component of the e-commerce front-end application, which presents a solution bundle configuration to the user and manages an order selection based on established bundle rules (see at least Figures 3A & B); providing an order process, whereby the e-commerce application passes the solution bundle order to the back-end application fulfillment systems for completion (see at least Figures 6 – 10); and recognizing a unique distinguished identifier, for each marketable item in an order that allows the front-end, back-end fulfillment and ancillary service components to associate an item to a given bundle, thereby resolving characteristics, including an incentive price of the item (see at least Col 14, lines 35 – 43 and Col 15, lines 46 – 50), wherein a customizable solution bundle is mapped into a subset catalog of the master catalog containing a preselected marketable elements that represent a set of products that a marketing organization determines is suitable for a class of customer based on experience gained by the marketing teams for that industry (Abstract and Figure 8).

Please note that Henson does not specifically disclose incentive price. However, Henson does disclose the capability to emulate a sales rep that has been called by the customer. In this regard, it was old and well known (see Bennett, Para 0128) that a sales rep would apply incentives such as price where appropriate. Therefore, it would have been obvious to have provided the method of Henson with appropriate incentive

Art Unit: 3625

prices as determined by the sales and marketing staff in order to incentivize customer to buy more of a product, which for example is currently in excess. Indeed, the incorporation of off line sales/incentive techniques in the online ecommerce site will increase the probability that the customer will continue to use these methods and systems due to pricing and tailoring items for each of the entitled groups.

Regarding claim 6, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, further comprising the step of recommending products and guiding the customer through a solution, whereby the customer is allowed to select marketable items from the subset catalog in which to customize their solution (Abstract, Col 2, lines 61 - 67 and Figures 3A – 10).

Regarding claim 7, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein solution bundles are tailored to specific industries or classifications of customers, whereby many solution bundles may be defined by a given vendor (Abstract, Col 3, lines 1 – 11 and Figures 8).

Regarding claim 8, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein the solution bundle is dedicated to a specific industry or class of customer (Figure 8).

Art Unit: 3625

Regarding claim 9, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein a solution bundle which, when selected by the customer, results in a pricing discount (Col 14, lines 35 - 45).

Regarding claim 10, Henson teaches a method of supporting customizable a solution bundles for e-commerce applications, wherein a variety of differing pricing discounts are applied against individual marketable elements or on the entire solution bundle as a whole, depending on rules applied, the application of a pricing discount being dependent on a selection the customer chooses at the time they are customizing their solution (Col 10, lines 49 – 67 and Col 5, lines 1 – 11).

Response to Arguments

Applicant's arguments filed 5-5-05 have been fully considered but they are not persuasive.

Applicant argues that Henson describes a “customer centric” approach, which is quite different from a “supplier centric” approach of the current cited invention.

First, it is old and well known that suppliers are in business to ensure they support and satisfy customer needs/requirements – both from separate bundle features of their products as well as associated pricing for these bundled features. It is also well known that if the supplier does not satisfy the customer's needs with appropriate

Art Unit: 3625

solutions – they will go out of business. For example, companies such as Wang as well as Data General both went out of business because they did not meet customer needs/requirements. As these companies learned the hard way, “customer centric” is the only reason for existing. As noted, a company which is primarily “supplier centric” have failed because the company was not “customer centric” enough and clearly the competition was. Moreover, the attempt to draw patentable distinction based on “supplier centric” vs. customer centric” is not persuasive. In that regard, suppliers who sell their products to customers will go out business if they do not meet customer requirements and thereby have to be “customer centric”. Henson also teaches that the “Supplier” establishes these virtual entitled groups, with separate and distinct subsets of products in order to meet separate and distinct customer needs (see at least Col 14, lines 42 – 43). Additionally, Henson discloses and teaches that the customer is segmented into “virtually entitled group(s)” [Figure 8] by the supplier - to ensure meeting the specialized needs/requirements of these various “virtually entitled group(s)” of customers. In turn, these virtually entitled groups orders are processed, without distinction by back end fulfillment systems and ancillary e-commerce services (see at least Col 4, lines 40 – 41, Col 14, lines 35 – 43, Col 15, lines 46 – 50). Furthermore, Dell the assignee of the reference is well known to one of ordinary skill in the industry to have streamlined lined the back end fulfillment system process, which are operable connected to the front end web site to be one of the most efficient and effective for a supplier of bundled solutions, which meet customers unique needs/requirements (please see attached NPL – “Corporate Strategies”).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571.273.8300 [Official communications; including
After Final communications labeled
"Box AF"]

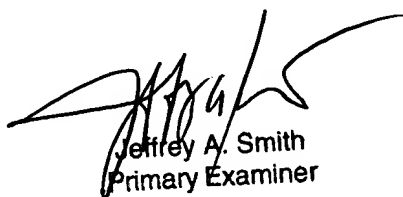
For general questions the receptionist can be reached at

571.272.3600

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Jeffrey A. Smith
Primary Examiner